**To:** Matthew Powelson(matt@321-law.com)

Subject: U.S. Trademark Application Serial No. 90893959 - MONSTER - MON.T.1721

**Sent:** April 11, 2023 11:47:33 AM EDT

**Sent As:** tmng.notices@uspto.gov

#### **Attachments**

5578775

6191099

6625640

screencapture-dictionary-cambridge-org-us-translate-16812241016551

**SNAG-1063.jpg** 

SNAG-1064.jpg

screencapture-www-potterybarn-com-products-vintage-style-flashlight-mp-16812251061361

screencapture-www-potterybarn-com-shop-lighting-all-lighting-16812251629671

screencapture-www-potterybarn-com-products-led-string-lights-black-fmp-16812253653331

screencapture-www-llbean-com-llb-search-16812254115231

screencapture-www-llbean-com-llb-search-16812254574141

screencapture-www-usa-philips-com-c-p-SFL7000\_17-lightlife-flashlight-16812254815571

screencapture-www-usa-lighting-philips-com-consumer-choose-a-bulb-16812255488041

screencapture-www-usa-lighting-philips-com-consumer-choose-a-bulb-products-

16812255772181

screencapture-www-philips-hue-com-en-us-products-smart-light-strips-16812256990181

# **United States Patent and Trademark Office (USPTO) Office Action (Official Letter) About Applicant's Trademark Application**

U.S. Application Serial No. 90893959

Mark: MONSTER

# **Correspondence Address:**

Matthew Powelson 321 LAW, INC. P.O. BOX 911

MONTEREY CA 93942 UNITED STATES

**Applicant:** Monster, Inc.

Reference/Docket No. MON.T.1721

Correspondence Email Address: matt@321-law.com

NONFINAL OFFICE ACTION

**Response deadline.** File a response to this nonfinal Office action within three months of the "Issue date" below to avoid <u>abandonment</u> of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the "How to respond" section below.

**Request an extension.** For a fee, applicant may <u>request one three-month extension</u> of the response deadline prior to filing a response. The request must be filed within three months of the "Issue date" below. If the extension request is granted, the USPTO must receive applicant's response to this letter within six months of the "Issue date" to avoid abandonment of the application.

Issue date: April 11, 2023

On July 8, 2022, action on this application was suspended pending the disposition of U.S. Application Serial No. 86581837. This prior-pending application has abandoned and is no longer a potential bar to the registration of applicant's mark. However, the previously referenced prior-pending U.S. Application Serial No. 90312099 has registered since the December 21, 2021 Office Action. Therefore, registration is refused as follows.

### SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 5578775, 6191099, and 6625640. Trademark Act Section 2(d), 15 U.S.C. §1052(d); see TMEP §§1207.01 et seq. See the attached registrations.

Applicant's mark is **MONSTER** (in standard characters) for "Portable battery-operated lights that can be placed on surfaces where other light sources are unavailable and lighting fixtures; wall mounted lighting fixtures; ceiling mounted lighting fixtures; electric night lights; strip lighting for indoor use, namely, rope lights in the nature of LED and incandescent light strips for decorative purposes; strip lighting for indoor use, namely, strip lights in the nature of LED and incandescent light strips for decorative and task lighting purposes; track lighting; table lamps; desk lamps; under cabinet lighting installations; flashlights; electric light bulbs; Edison style light bulbs; fluorescent electric light bulbs; LED light bulbs; electric lighting fixtures; solar lighting fixtures; LED lighting fixtures; floor lamps; exterior lighting installations and lighting fixtures; landscape lights in the nature of landscape lighting installations and lighting fixtures; light bars, namely, strip lighting for indoor use; holographic lighting installations and lighting fixtures; ring lights for illumination purposes and lighting fixtures; electronic heated blankets, namely, electric blankets not for medical purposes" in International Class 11.

The mark in U.S. Registration No. 5578775 is **LED MONSTER** (in standard characters) for "LED light assemblies for street lights, signs, commercial lighting, automobiles, buildings, and other architectural uses; LED light bulbs; LED light strips for decorative purposes" in International Class 11.

The mark in U.S. Registration No. 6191099 is **MONSTRUM** (in standard characters) for, in relevant part, "Flashlights, headlamps not for medical purposes, flashlight mounts" in International Class 11.

The mark in U.S. Registration No. 6625640 is **MONSTER BOARD** (in standard characters) for "Lamps; Searchlights; Fluorescent lamp tubes; Infrared lighting fixtures; Lamps for tents; Lanterns for lighting; LED lamps; LED light bulbs; LED safety lamps; LED underwater lights; Lighting apparatus,

namely, lighting installations; Lighting fixtures; Lighting installations for vehicles; Lights for use in growing plants; Lights for vehicles; Luminous tubes for lighting; Portable headlamps; Solar light fixtures, namely, indoor and outdoor solar powered lighting units and fixtures; String lights for festive decoration; Theatrical stage lighting apparatus; Ultraviolet ray lamps, not for medical purposes" in International Class 11.

Trademark Act Section 2(d) bars registration of an applied-for mark that is so similar to a registered mark that it is likely consumers would be confused, mistaken, or deceived as to the commercial source of the goods and/or services of the parties. See 15 U.S.C. §1052(d). Likelihood of confusion is determined on a case-by-case basis by applying the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) (called the "du Pont factors"). *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). Any evidence of record related to those factors need be considered; however, "not all of the *DuPont* factors are relevant or of similar weight in every case." *In re Guild Mortg. Co.*, 912 F.3d 1376, 1379, 129 USPQ2d 1160, 1162 (Fed. Cir. 2019) (quoting *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1406, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997)).

Although not all *du Pont* factors may be relevant, there are generally two key considerations in any likelihood of confusion analysis: (1) the similarities between the compared marks and (2) the relatedness of the compared goods and/or services. *See In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976) ("The fundamental inquiry mandated by [Section] 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods [or services] and differences in the marks."); TMEP §1207.01.

# **Similarity of the Marks**

Applicant's mark is **MONSTER** (in standard characters).

The mark in U.S. Registration No. 5578775 is **LED MONSTER** (in standard characters).

The mark in U.S. Registration No. 6191099 is **MONSTRUM** (in standard characters).

The mark in U.S. Registration No. 6625640 is **MONSTER BOARD** (in standard characters).

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Inn at St. John's, LLC*, 126 USPQ2d 1742, 1746 (TTAB 2018) (citing *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014)), *aff'd per curiam*, 777 F. App'x 516, 2019 BL 343921 (Fed. Cir. 2019); TMEP §1207.01(b).

When comparing marks, "[t]he proper test is not a side-by-side comparison of the marks, but instead whether the marks are sufficiently similar in terms of their commercial impression such that [consumers] who encounter the marks would be likely to assume a connection between the parties." *Cai v. Diamond Hong, Inc.*, 901 F.3d 1367, 1373, 127 USPQ2d 1797, 1801 (Fed. Cir. 2018) (quoting

Coach Servs., Inc. v. Triumph Learning LLC, 668 F.3d 1356, 1368, 101 USPQ2d 1713, 1721 (Fed. Cir. 2012)); TMEP §1207.01(b). The proper focus is on the recollection of the average purchaser, who retains a general rather than specific impression of trademarks. In re Ox Paperboard, LLC, 2020 USPQ2d 10878, at \*4 (TTAB 2020) (citing In re Bay State Brewing Co., 117 USPQ2d 1958, 1960 (TTAB 2016)); In re Inn at St. John's, LLC, 126 USPQ2d 1742, 1746 (TTAB 2018); TMEP §1207.01(b); see In re St. Helena Hosp., 774 F.3d 747, 750-51, 113 USPQ2d 1082, 1085 (Fed. Cir. 2014).

### U.S. Registration Nos. 5578775 and 6625640

In the present case, applicant's mark and the marks in U.S. Registration Nos. 5578775 and 6625640 create similar commercial impressions because each of the marks feature the nearly identical term "MONSTER". Marks may be confusingly similar in appearance where similar terms or phrases or similar parts of terms or phrases appear in the compared marks and create a similar overall commercial impression. See Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce, 228 USPQ 689, 690-91 (TTAB 1986), aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n, 811 F.2d 1490, 1495, 1 USPQ2d 1813, 1817 (Fed. Cir. 1987) (holding COMMCASH and COMMUNICASH confusingly similar); In re Corning Glass Works, 229 USPQ 65, 66 (TTAB 1985) (holding CONFIRM and CONFIRMCELLS confusingly similar); In re Pellerin Milnor Corp., 221 USPQ 558, 560 (TTAB 1983) (holding MILTRON and MILLTRONICS confusingly similar); TMEP §1207.01(b)(ii)-(iii).

Moreover, this nearly identical wording is also the dominant or sole wording in each of the respective marks. Indeed, although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. *See In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii).

Disclaimed matter that is descriptive of or generic for a party's goods is typically less significant or less dominant when comparing marks. *See In re Detroit Athletic Co.*, 903 F.3d 1297, 1305, 128 USPQ2d 1047, 1050 (Fed. Cir. 2018) (*citing In re Dixie Rests., Inc.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997)); *Made in Nature, LLC v. Pharmavite LLC*, 2022 USPQ2d 557, at \*41 (TTAB 2022); TMEP §1207.01(b)(viii), (c)(ii).

In the present case, the wording "LED" is disclaimed in U.S. Registration No. 5578775 and "BOARD" is disclaimed in U.S. Registration No. 6625640. Thus, this wording is less significant in terms of affecting the marks' overall commercial impressions, and renders the wording "MONSTER" the dominant or sole element of the marks. As such, consumers encountering the marks may believe that applicant's mark merely identifies a line of goods from the same source as registrants' marks.

# U.S. Registration No. 6191099

Further, under the doctrine of foreign equivalents, a mark in a common, modern foreign language and a mark that is its English equivalent may be held confusingly similar. TMEP §1207.01(b)(vi); see, e.g., In re Aquamar, Inc., 115 USPQ2d 1122, 1127-28 (TTAB 2015); In re Thomas, 79 USPQ2d 1021, 1025 (TTAB 2006). Consequently, marks comprised of foreign wording are translated into English to determine similarity in meaning and connotation with English word marks. See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee en 1772, 396 F.3d 1369, 1377, 73 USPQ2d 1689, 1696 (Fed. Cir. 2005). Equivalence in meaning and connotation may be sufficient to find such marks

confusingly similar. See In re Aquamar, Inc., 115 USPQ2d at 1127-28; In re Thomas, 79 USPQ2d at 1025.

The registrant's mark is in Polish, which is a common, modern language in the United States. *See In re New Yorker Cheese Co.*, 130 USPQ 120 (TTAB 1961) (Polish).

The doctrine is applied when "the ordinary American purchaser" would "stop and translate" the foreign term into its English equivalent. *Palm Bay*, 396 F.3d at 1377, 73 USPQ2d at 1696 (quoting *In re Pan Tex Hotel Corp.*, 190 USPQ 109, 110 (TTAB 1976)); TMEP §1207.01(b)(vi)(A). The ordinary American purchaser includes those proficient in the foreign language. *In re Spirits Int'l, N.V.*, 563 F.3d 1347, 1352, 90 USPQ2d 1489, 1492 (Fed. Cir. 2009); *see In re Thomas*, 79 USPQ2d at 1024. Specifically, the evidence from Census.gov shows the large number of U.S. consumers who speak this language.

In this case, the ordinary American purchaser would likely stop and translate the mark because the Polish language is a common, modern language spoken by an appreciable number of consumers in the United States. Specifically, the evidence from the Cambridge Dictionary shows the foreign wording directly translates to the English wording, "MONSTER". As such, consumers retaining only a general rather than a specific impression of trademarks are likely to believe that the applicant's and registrant's marks identify the same source as applied to the respective goods.

Accordingly, applicant's and registrants' marks are confusingly similar.

### **Relatedness of the Goods**

Applicant's goods are for "Portable battery-operated lights that can be placed on surfaces where other light sources are unavailable and lighting fixtures; wall mounted lighting fixtures; ceiling mounted lighting fixtures; electric night lights; strip lighting for indoor use, namely, rope lights in the nature of LED and incandescent light strips for decorative purposes; strip lighting for indoor use, namely, strip lights in the nature of LED and incandescent light strips for decorative and task lighting purposes; track lighting; table lamps; desk lamps; under cabinet lighting installations; flashlights; electric light bulbs; Edison style light bulbs; fluorescent electric light bulbs; LED light bulbs; electric lighting fixtures; solar lighting fixtures; LED lighting fixtures; floor lamps; exterior lighting installations and lighting fixtures; landscape lights in the nature of landscape lighting installations and lighting fixtures; deck and patio lighting installations and lighting fixtures; furniture lighting installations and lighting fixtures; light bars, namely, strip lighting for indoor use; holographic lighting installations and lighting fixtures; ring lights for illumination purposes and lighting fixtures; electronic heated blankets, namely, electric blankets not for medical purposes, LED light assemblies for automobiles; automotive blankets, namely, electric blankets not for medical purposes" in International Class 11.

The goods in U.S. Registration No. 5578775 are for "LED light assemblies for street lights, signs, commercial lighting, automobiles, buildings, and other architectural uses; LED light bulbs; LED light strips for decorative purposes" in International Class 11.

The goods in U.S. Registration No. 6191099 are for, in relevant part, "Flashlights, headlamps not for medical purposes, flashlight mounts" in International Class 11.

The goods in U.S. Registration No. 6625640 are for "Lamps; Searchlights; Fluorescent lamp tubes; Infrared lighting fixtures; Lamps for tents; Lanterns for lighting; LED lamps; LED light bulbs; LED

safety lamps; LED underwater lights; Lighting apparatus, namely, lighting installations; Lighting fixtures; Lighting installations for vehicles; Lights for use in growing plants; Lights for vehicles; Luminous tubes for lighting; Portable headlamps; Solar light fixtures, namely, indoor and outdoor solar powered lighting units and fixtures; String lights for festive decoration; Theatrical stage lighting apparatus; Ultraviolet ray lamps, not for medical purposes" in International Class 11.

The compared goods need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000); TMEP §1207.01(a)(i). They need only be "related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source." *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i); *see Made in Nature, LLC v. Pharmavite LLC*, 2022 USPQ2d 557, at \*44 (TTAB 2022) (quoting *In re Jump Designs LLC*, 80 USPQ2d 1370, 1374 (TTAB 2006)).

Indeed, the attached Internet evidence establishes that the same entity commonly provides the relevant goods and markets the goods under the same mark. *See* attached Internet evidence from Pottery Barn, L.L. Bean, and Philips showing the same parties offering portable battery-operated lights, wall mounted lighting fixtures, ceiling mounted lighting fixtures, strip lighting, rope lights, table lamps, desk lamps, lighting installations, light bulbs, exterior lighting installations and fixtures, furniture lighting, flashlights, headlamps, lamps, searchlights, string lights, and lamps for tents. Thus, applicant's and registrants' goods are considered related for likelihood of confusion purposes. *See, e.g., In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009).

# Section 2(d) Refusal – Conclusion

The marks are similar in overall commercial impression, and the goods are highly related. It is likely that a consumer would mistakenly believe applicant's goods are offered by registrant(s) or vice versa. For these reasons, registration is refused pursuant to Section 2(d) of the Trademark Act.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

**ASSISTANCE:** Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

**How to respond.** File a <u>response form to this nonfinal Office action</u> or file a <u>request form for an extension of time to file a response</u>.

/Melissa Sturman/ Melissa Sturman Examining Attorney LO125--LAW OFFICE 125 (571) 272-2781 Melissa.Sturman@USPTO.GOV

# RESPONSE GUIDANCE

- Missing the deadline for responding to this letter will cause the application to <u>abandon</u>. A response or extension request must be received by the USPTO before 11:59 p.m. Eastern Time of the last day of the response deadline. Trademark Electronic Application System (TEAS) <u>system availability</u> could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email <u>TEAS@uspto.gov</u>.
- Responses signed by an unauthorized party are not accepted and can cause the application to abandon. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with <u>legal authority to bind a juristic applicant</u>. If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find contact information for the supervisor** of the office or unit listed in the signature block.

Print: Tue Apr 11 2023 87747157

# (4) STANDARD CHARACTER MARK

# LED Monster

# **Mark Punctuated**

LED MONSTER

**Translation** 

**Goods/Services** 

• IC 011. US 013 021 023 031 034.G & S: LED light assemblies for street lights, signs, commercial lighting, automobiles, buildings, and other architectural uses; LED light bulbs; LED light strips for decorative purposes. FIRST USE: 20170701. FIRST USE IN COMMERCE: 20170701

# **Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code** 

**Serial Number** 

87747157

**Filing Date** 

20180108

**Current Filing Basis** 

1A

**Original Filing Basis** 

1**A** 

**Publication for Opposition Date** 

20180724

**Registration Number** 

5578775

**Date Registered** 

20181009

Owner

(REGISTRANT) Nerd Alert LLC LIMITED LIABILITY COMPANY NEW JERSEY 205 Rosarno Ct San Jose CALIFORNIA 95111

**Priority Date** 

**Disclaimer Statement** 

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LED" APART FROM THE MARK AS SHOWN

**Description of Mark** 

Type of Mark

TRADEMARK

**Register** PRINCIPAL

**Live Dead Indicator** 

LIVE

**Attorney of Record** 

Print: Mon Apr 10 2023 88599984

# (4) STANDARD CHARACTER MARK

# MONSTRUM

# **Mark Punctuated**

**MONSTRUM** 

### **Translation**

The English translation of "MONSTRUM" in the mark is "MONSTER".

### Goods/Services

- IC 008. US 023 028 044.G & S: Hand tools, namely, rifle handguard removal tools; knives, namely, fixed blade knives, hunting knives. FIRST USE: 20100701. FIRST USE IN COMMERCE: 20100701
- IC 009. US 021 023 026 036 038.G & S: Rifle scopes, namely, first plane scopes, prism scopes, adjustable objective lens scopes, tactical scopes, compact scopes, rifle scope lens covers in the nature of protective lens covers for telescopic gun sights; telescopic gun sights, namely, reflex sights, red dot sights, green dot sights; eyewear, sunglasses; telescopic rifle sights; binoculars; rifle scopes; tactical laser sights; telescopic sights. FIRST USE: 20100701. FIRST USE IN COMMERCE: 20100701
- IC 011. US 013 021 023 031 034.G & S: Flashlights, headlamps not for medical purposes, flashlight mounts. FIRST USE: 20100701. FIRST USE IN COMMERCE: 20100701
- IC 013. US 002 009.G & S: Rifle handguards, rifle rails, shotgun rails, rifle rail covers, forward hand stops for rifles, keymod rail panels; scope mounts for firearms, rifle scope rings; nontelescopic gun sights, namely, reflex sights, red dot sights, green dot sights; gun accessories, namely, rail mounts, rail adapters, riser mounts, vertical fore grips for rifles, rail mounts for scopes and optics of a rifle; firearm attachments, namely, sling adapters, bipod adapters; firearm slings; cartridge shot pouches; pistol cases; Rifle carry handle, non-telescopic rifle sights. FIRST USE: 20200701. FIRST USE IN COMMERCE: 20100701

# **Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code** 

**Serial Number** 

88599984

Filing Date

20190830

**Current Filing Basis** 

1A

**Original Filing Basis** 

1 R

**Publication for Opposition Date** 

20200428

**Registration Number** 

6191099

**Date Registered** 

# 20201103

# Owner

(REGISTRANT) RFCM, INC. CORPORATION CALIFORNIA 27068 La Paz Road #338 Aliso Viejo CALIFORNIA 92656

# **Priority Date**

**Disclaimer Statement** 

**Description of Mark** 

**Type of Mark** TRADEMARK

Register

PRINCIPAL

**Live Dead Indicator** 

LIVE

**Attorney of Record** 

James C. Yang

Print: Tue Apr 11 2023 90312099

# (4) STANDARD CHARACTER MARK

Monster Board

Mark Punctuated MONSTER BOARD

**Translation** 

**Goods/Services** 

• IC 011. US 013 021 023 024 031 034.G & S: Lamps; Searchlights; Fluorescent lamp tubes; Infrared lighting fixtures; Lamps for tents; Lanterns for lighting; LED lamps; LED light bulbs; LED safety lamps; LED underwater lights; Lighting apparatus, namely, lighting installations; Lighting fixtures; Lighting installations for vehicles; Lights for use in growing plants; Lights for vehicles; Luminous tubes for lighting; Portable headlamps; Solar light fixtures, namely, indoor and outdoor solar powered lighting units and fixtures; String lights for festive decoration; Theatrical stage lighting apparatus; Ultraviolet ray lamps, not for medical purposes. FIRST USE: 20200701. FIRST USE IN COMMERCE: 20200701

# **Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code** 

**Serial Number** 

90312099

**Filing Date** 

20201111

**Current Filing Basis** 

1A

**Original Filing Basis** 

1 A

**Publication for Opposition Date** 

20211109

**Registration Number** 

6625640

**Date Registered** 

20220125

#### Owner

(REGISTRANT) Geeklight (Shenzhen) Optoelectronics Co., Ltd. limited company (ltd.) CHINA 501, Bldg. A, Yeming Mould Industrial Park, No.19 Baoshan Rd., Guangming Dist., Shenzhen CHINA 518107

# **Priority Date**

### **Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BOARD" APART FROM THE MARK AS

# **SHOWN**

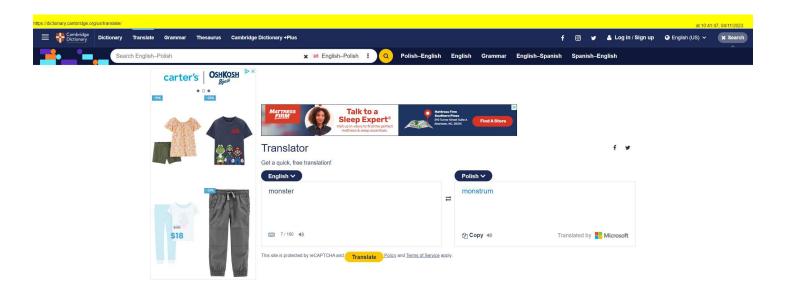
**Description of Mark** 

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live Dead Indicator** LIVE

**Attorney of Record** Kevin Gallagher





#### Word-by-word list

Learn more with the word-by-word list. This allows you to see the translations of each word that you enter. Click on the word to go to the dictionary entry.

monster UK ◀ŵ /'mɒn.ste// Us ◀ŵ /'mɑ:n.ste/

noun potwór

noun monstrum, monstrualny

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05 objective

06 canopy

07 graduate 08 notation

09 awkward

10 consider







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April 05, 2023

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frauxmage April 10, 2023

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October 201



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			Speak English																
	Number of		less than "Very																
	speakers1	Margin of Error <sup>2</sup>	Well*1	Margin of Error <sup>2</sup>															
Population 5 years and over	291,484,482	3,346	25,148,900	63,553															
Speak only English at home	231,122,908	108,816	(X)	(X)															
Speak a language other than English at home	60,361,574	107,227	25,148,900	63,553															
SPANISH AND SPANISH CREOLE	37,458,624	64,494	16,344,473	40,610															
Spanish	37,458,470	64,494	16,344,440	40,610															
Ladino	130	62	25	23															
Pachuco	(D)	(D)	(D)	(D)															
OTHER INDO-EUROPEAN LANGUAGES	10,737,607	37,771	3,424,558	22,396															
French (incl. Patois, Cajun)	1,307,742	10,490	266,120	4,546															
French	1,253,560	10,278	258,730	4,421															
Patois	32,900	1,658	4,695	558															
Cajun	21,285	1,152	2,695	344															
French Creole	739,725	11,244	323,689																
Italian	708,966	7,910	191,724																
Portuguese (incl. Portuguese Creole)	693,469	9,721	269,805																
Portuguese	692,500	9,692	269,615	5,681															
Papia Mentae	970	244	190																
German (incl. Luxembourgian)	1,063,773	9,107	174,758																
German	1,063,275	9,084	174,735	2,679															
Luxembourgian	500	160	25	23															
Yiddish	155,582	4,119	53,116																
Other West Germanic languages	298,287	5,640	71,112																
Pennsylvania Dutch	133,190	4.050	44,075																
Dutch	141,580	3,609	25,030																
Afrikaans	23,010	1,525	1,885	318															
Frisian	510	171	120																
Scandinavian languages	128,339	3,694	13,312																
Swedish	55,735	2,458	5,045																
Danish	28,285	1,453	3,030																
Norwegian	39.430	1,684	4,675	483															
Icelandic	4,865	552	565	161															
Faroese	30	32	(B)																
Greek	304,932	5,423	75,799	2,576															
Russian	879,434	11,909	416,526																
Polish	580,153	7,412	235,241	3,866															
Serbo-Croatian languages	267,979	7,071	103,432																
Serbocroatian	144,675	5,055	62,965	2,703															
United States (+)	50.040	0.404	45.000	1.057															

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\$69

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#### OVERVIEW

This rechargeable LED flashlight features cage styling for a vintage twist on a modern design. A hook on the bottom makes it easy to hang in a tent or in the garage, and it runs up to 24 hours on a single charge. Unique cage style and vintage appearance with modern functionality.

Unique cage style and vintage appearance with modern functionality.

Offered in a variety of finishes, each sold separately.

Dual brightness LED bulb with telescoping light focus adjustment.

Phthalate, BPA, lead and lates for.

Run Time is 24 hours on low and 2.5 hours on high.

Included: LED bulb and 1 USB C charging cable.

Limited 1 year manufacturer's warranty.

Imported.

+

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#### DIMENSIONS & CARE

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### ALSO IN THIS COLLECTION







LED Outdoor Lantern \$89 - \$109



Cage Lantern LED String Lights \$79

FEEDBACK

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### PEOPLE ALSO BOUGHT



Long Palm Leaf Shadow Box Wall Art Limited Time Offer \$239 - \$579 <del>\$299 - \$579</del>



Temple Street Shoe Ladder \$99

0



Brass Solar String Lights - 28' \$89



### RECENTLY VIEWED





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Lamon Outdoor Rectangular Tablecloth
\$60-\$70

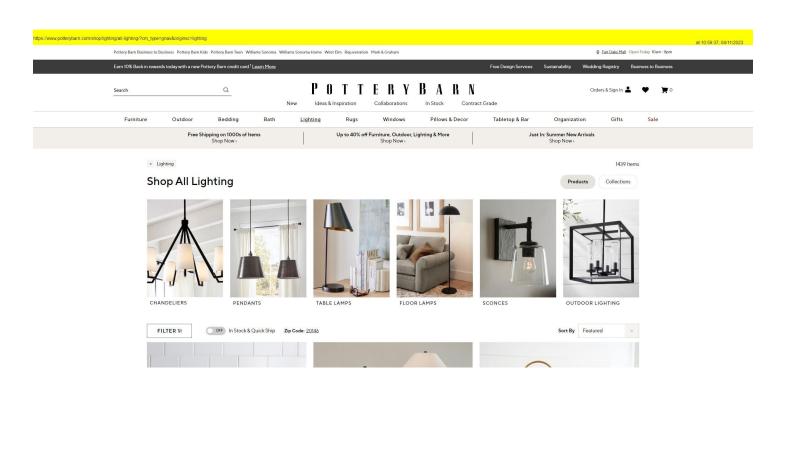
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Contract Grade



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NEW Sinclair Metal Arc Sconce \$249 Contract Grade







NEW Camden Abaca Pendant \$399 - \$699 Contract Grade



NEW Maxwell Metal Task Table Lamp \$149 Contract Grade



BESTSELLER Miller Ceramic Table Lamp \$299 – \$499 Contract Grade







NEW Maxwell Metal Sconce \$99 Contract Grade

NEW FINISH
Marion Woven Floor Lamp
\$399
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BESTSELLER
Camryn Glass Globe Round Chandelier
\$899 – \$999
Contract Grade



NEW Marion Woven Sconce \$199 Contract Grade







OUTDOOR LIGHTING

IL HIGH OF OT COURT USES, OUTCOME HAVE GREEN WITHOUT BALLES DECORED WITHOUT ENTERS DECORED WITHOUT THE BALLES OF T

- Hanging porch lights are light fixtures that can be installed on your porch ceiling or roof overhang. With the right light bulbs, these lights will effectively illuminate the entire area. Choose from flush mount porch lights for porches with low ceilings or add drama with hanging pendant lights.
- Outdoor sconces function just like indoor wall sconces but are made with durable materials that can stand up to inclement weather conditions. Install these gorgeous lights on walls at the front, back or side of your home.
- String lights are mostly decorative but will add extra light to your outdoor living space. These lights can be wrapped around a tree, draped over a fence or hung on the roof. Choose from classic white bulbs or pretty colored string lights.

Eximination and the state of the supplement with wall, table and floor lights to complete the look.

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Outdoor LED String Lights - Black \$59 - \$179

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#### OVERVIEW

Light up your Saturday nights. Our LED strings lights are party-approved, so you can cast a subtle glow and set the mood for year-round entertaining. The cafe-style bulbs illuminate your gazebo, canopy or outdoor area.

- Durable, impact resistant acrylic bulbs won't break if dropped, stepped on, or blown around in the wind.

  Each strand of Enbirghten Café Lights has end-to-end connections, so you can link multiple sets to achieve the perfect length for any installation.

  Linkable up to 750 feet and easy to install with flexible mounting options, mount on a flat surface or hang from above (mounting hardware not included).

  Available in 12, 24 or 48 length.

  Enbirghten LEDs reduce energy usage by over 95% and last a lifetime.

  Commercial grade construction and UL Listed for permanent indoor and outdoor installation, designed to withstand year-round exposure to the elements so you only have to set them up once.

DIMENSIONS & CARE SHIPPING & RETURNS

⊕ HAVE A QUESTION? ▼

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### PEOPLE ALSO VIEWED



Globe Outdoor String Lights & Holder Posts Clearance \$22.99 - \$248 \$79 - \$248



LED Patio String Lights \$79 - \$89



BESTSELLER Outdoor Standing String Light Posts - Set of 2 \$39 - \$149



Edison Bulb Outdoor String Lights & Holder Posts Limited Time Offer \$89 - \$223 <del>\$99 - \$248</del>

### PEOPLE ALSO BOUGHT

#### See More Recommendations

















Farmhouse Bed Limited Time Offer \$1,444 - \$1,899 \$1,699 - \$1,899

BESTSELLER Antiqued Metal Decorative Trays Limited Time Offer \$84.50 - \$149 \$99 - \$149

Dream Brushed Organic Cotton Pillowcases - Set of 2 \$37.50 - \$42.50

Clara Platform Bed \$1,299 - \$1,499

### RECENTLY VIEWED





Lemon Outdoor Rectangular Tablecloth \$60 - \$70



Vintage Style Flashlight \$69

Sophia Block Print Oilcloth Outdoor Tablecloth \$89

#### QUESTIONS & ANSWERS Powered by TurnTo



Start typing your question and we'll check if it was already asked and answered.  $\underline{\text{Learn More}}$ 





Solar Lantern String Lights 4 Hour Outdoor Lantern Led Pendant Mic Led Pendant Outdoor Led String Lights Led Lantern



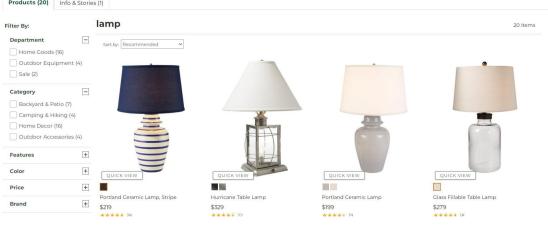
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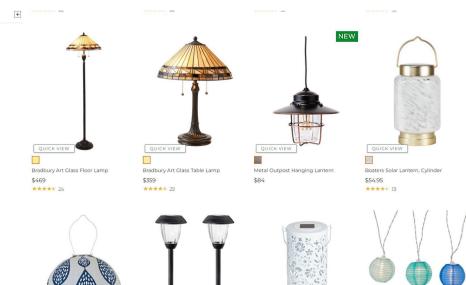
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QUICK VIEW

QUICK VIEW

Indigo Lear Print Solar Lantern \$54.95 \*\*\*\*\* 10

Solar Stakes, Set of IWO \$34.95

Solar Metal Lantern \$44.95 \*\*\* 27

Solar String Lights \$44.95 ★★★ ★★ 5











QUICK VIEW

LLBean Trailblazer Sportsman 420
Headlamp

\$59.95

\*\*\*\*\*\* BI

QUICK VIEW

L.L.Bean Trailblazer Snap 300 Combo Headlamp \$44.95 \$39.99









NEW









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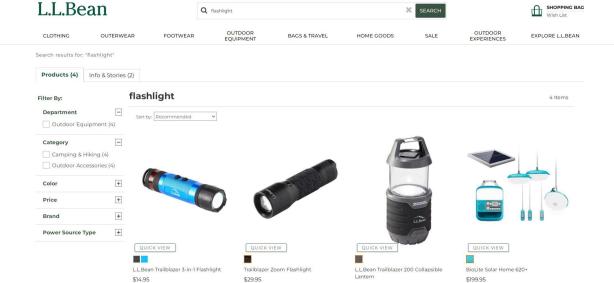
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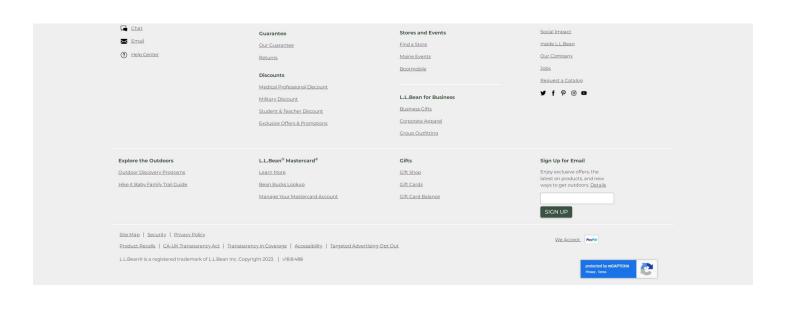
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Get Outside Guide







# **Explore the outside**

With this Metal Pro LED torch

• Pro LED

Nylon strap for easy carry

Rubber sealing rings prevent from

Water resistant body

Nylon strap makes the flashlight easy to carry around and prevents from losing the flashlight.

# damages caused by water

Rubber sealing rings prevent that water causes damage to the flashlight and allows you to use the flashlight in all wheather conditions.

Water resistant to use in all weather conditions

Show all product features

# **Technical Specifications**

Power Batteries included Number of batteries C / LR14 Alkaline Battery type Green Specifications Packaging material • Carton • PET Clam shell blister Packaging type

Show all Technical Specifications





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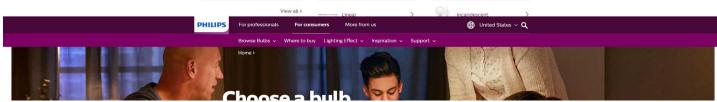
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#### Helping you make the right choice

Welcome to the extensive light bulb collection from Philips Lighting. It includes LED, halogen and fluorescent bulbs for your home, office, and more. They come in a variety of shapes, styles, and bases to meet many applications for lighting and decor. Whether you want to create the perfect atmosphere for your home, energize your home office or study, add ambiance with color, complement your decor, or simply save energy and reduce your electric bill, there's something for you. And it doesn't have to be a challenge to find the right light bulb. It's easy to use, and helps you find the right bulb for your needs.







Long lasting Philips LED light bulbs Energy saving compact fluorescent light bulbs

A LED light bulb can last for a decade or more. LED bulbs have many styles, including soft white and daylight. With Philips LED attonology, you can choose between dimmable, SceneSwitch, or vintage filament convenience of incandescent bulbs.

Discover Philips LED



Discover Philips CFLi



# A familiar look and feel with halogen light bulbs

Halogen bulbs are the quickest and easiest way to replace classic incandescent light bulbs. With a wide range of lighting possibilities, halogen offers the same quality of warm, sparkling light as incandescent.

Discover Philips Halogen

# **Lighting How-To's and Tips**



**LED Savings Calculator** 



Philips Lighting for the Home How-to-Videos

Determine your savings in three easy steps Products and advice, ideas and inspiration. Our quick and easy guide show you how to



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Explore home lighting >

light the different rooms in your home, create mood with light or just find the right replacement bulb.

More about lighting ideas >

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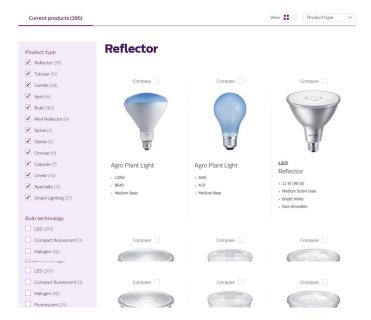
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# Choose a bulb

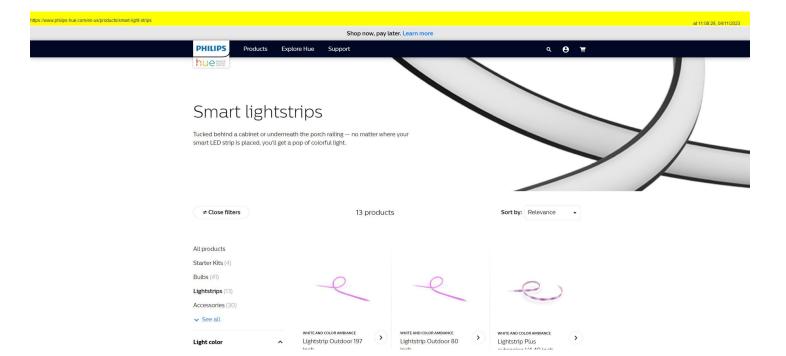


Incandescent (21) Energy saving (1) Smart Wi-Fi (24)		Pages	
Bulb type	LED Reflector (Dimmable) - 20W-250W - 10% - Daylight - Demining	LED Reflector (Dimmable)	LED Reflector (Dimmable)  - 13W-120W  - 626 - Bight White Light - Dimming
G25 (1)  T4 (3)  MRC16 (3)  PAPI6 (1)  TVISTLINE (2)  Base type  G4 (1)	Compare	Compare	Compare
GU10 (7)  GU4 (1)  GU53 (4)  G13 (9)  E26 (258)  Medium Screw (3)  G244 / GXZ44 (1)	LED Reflector (Dimmable)  100%-90W  1256  1009t White Light  . Dimming	LED Reflector (Dimmable)  - 8.5W-75W - E26  - Bright White Light - Dissiming	LED Reflector (Dimmable)  - 8.5W-75W  - E26 - Bright White Light - Dimming
GS (8)  Medium Base (1)  Mini Candelabra (2)  Wedgebase (1)	Compare	Compare	Compare

FAB (2) RSC (2) E12 (16)		Provide S	1
2GX13 (3) E26d (2) E17 (1) GY8.6 (1)	LED Reflector (Dimmable)  - 4-49-50W - E26 - Bright White Light - Dimming	LED Reflector (Dimmable)  - 5.5W-45W  - E26 - Bright White Light - Dimming	LED Reflector (Dimmable)  - 5.5W-50W  - E26 - 5off White Light Warm Glow Effect - Dimming
Color temperature  Warm White (3)  White (1)  Cool White (19)  Daylight Blue (108)  Extra features  Dimmable (99)  EyeComfort (307)	Q	Can't find you Try our full products overview >	ır product here?
Light output  Low brightness (37)  Medium brightness (120)  High brightness (199)	1 2 3 4 5 6	7 8 9 10 11 – 32 33	Next Results per page 12 V
What are your lighting needs  I need to simply light a space (3)  I need soft comfortable light (12)  I need warm sparkling light (2)  I need extra brightness (15)			

bulb (e.g. fridge) (20)
I need to highlight a
space or object (12)
Energy Star Certified
Yes (85)
No (114)
Glass type
Frosted (173)
Clear (75)
Intended use
Indoor (261)
Outdoor (6)
Dimmable
Dimmable  Smart dimmable (25)
Smart dimmable (25)
Smart dimmable (25)  Non dimmable (22)  Dimmable (7)
Smart dimmable (25)  Non dimmable (22)  Dimmable (7)  LED Collection
Smart dimmable (25)  Non dimmable (22)  Dimmable (7)
Smart dimmable (25)  Non dimmable (22)  Dimmable (7)  LED Collection
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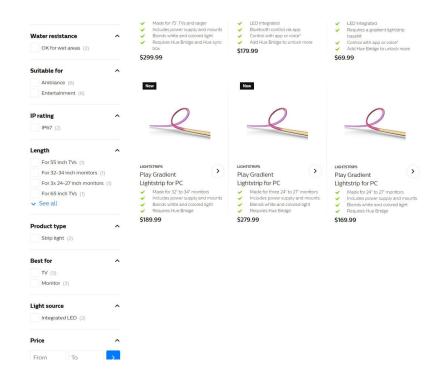




Lightstrip Outdoor 197

Light color

Colored light (4) Gradient (8)  Usage Indoor lighting (10) Outdoor lighting (2)	1 x 197 inch lightstrip 1 x power supply unit White and colored light. \$219.99	1 x 80 inch lightstrip 1 x 90 inch lightstrip 1 x power supply unit White and colored light \$129.99	EXCENSION V4 40 INCH  LED integrated  Instant control via Bluetooth  Control with app or vioce*  Add Hue Bindge to unlock more  \$39.99
Bluetooth enabled Yes (4) Pack type	•	2	
Single pack (2) Extension (2) Base kit with power supply (4)	WHITE AND COLOR AMBIANCE Lightstrip Plus base V4 80 inch	white and color ambiance Play gradient lightstrip 55 inch	WHITE AND COLOR AMBUANCE     Play gradient lightstrip     65 inch
Placement  Bedroom (10)  Office (7)  Dining room (4)  Kitchen (4)  See all	Power supply unit inclui Instant control via Bruse Control with a povei Add Hue Bridge to unio \$99.99	ooth Includes power supply and  Blends white and colored in	ight   Blends white and colored light
Product color Black (2)			
Power connection With plug (10)	^		
Low voltage Yes (2)	MHITE AND COLOR AMBIANCE Play gradient lightstrip 75 inch	white and color ambiance Gradient lightstrip 80 inch	WHITE AND COLOR AMBIANCE     Gradient lightstrip     extension 40 inch





# Guide to smart LED strips



# Learn about smart LED strips



How to use LED strip lights

Get tips on using indoor and outdoor lightstrips, such as wrapping them around your porch or lining the ceiling in the living room.



Bedroom lighting ideas

Smart LED strip lighting can be used to add subtle decorative effects to any bedroom or wash the space in colorful light.



Stylish living room lighting

Place smart LED strips strategically around the living room to add accent lighting for any occasion

Read more > Read more > Read more >

"When a bulb displays "Up to" a certain number of lumens in its specifications, it displays the maximum lumen output of the bulb. It shows how bright the bulb can get at 2700 K (White bulbs) or 4000 K (White ambiance or White and color ambiance bulbs). Learn more about brightness.



# **United States Patent and Trademark Office (USPTO)**

# **USPTO OFFICIAL NOTICE**

Office Action (Official Letter) has issued on April 11, 2023 for U.S. Trademark Application Serial No. 90893959

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) Read the Office action. This email is NOT the Office action.
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- (3) **Direct general questions** about using USPTO electronic forms, the USPTO <u>website</u>, the application process, the status of your application, and whether there are outstanding deadlines to the <u>Trademark Assistance Center (TAC)</u>.

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

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- <u>Check the status</u> of your application periodically in the <u>Trademark Status & Document Retrieval (TSDR)</u> database to avoid missing critical deadlines.
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